

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

CHEYENNE PATE, #773478

§

VS.

§

CIVIL ACTION NO. 6:09cv259

KEVIN R. WHEAT, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Cheyenne Pate, a prisoner previously confined at the Coffield Unit of the Texas prison system, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the Defendants' motion for summary judgment should be granted and that the lawsuit should be dismissed with prejudice. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by the Plaintiff are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the Plaintiff's motion for summary judgment (docket entry #56) is **DENIED**.

It is further

**ORDERED** that the Defendants' motion for summary judgment (docket entry #57) is

**GRANTED**. It is further

**ORDERED** that the complaint is **DISMISSED** with prejudice. It is finally  
**ORDERED** that all motions by either party not previously ruled on are hereby **DENIED**.

**So ORDERED and SIGNED this 24th day of May, 2010.**

A handwritten signature in black ink, appearing to read "LEONARD DAVIS".

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**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**